

MARCH 8, 1993

THE ACTING DIRECTOR OF THE DIVISION OF STATE LANDS & FORESTRY TOOK FORMAL ACTION ON MARCH 8, 1993, AT 9:30 A.M. IN THE DIVISION OF STATE LANDS & FORESTRY OFFICE, 355 WEST NORTH TEMPLE, 3 TRIAD CENTER, SUITE 400, SALT LAKE CITY, UTAH 84180-1204, ON THE BELOW LISTED MINERAL AND SURFACE BUSINESS MATTERS AS INDICATED.

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MINERAL ESTATE BUSINESS MATTERS

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MINERAL LEASE APPLICATIONS

OIL, GAS, AND HYDROCARBON LEASE APPLICATION - APPROVED

Upon recommendation of Mr. Blake, the Acting Director, Kevin Carter, approved the Oil, Gas, and Hydrocarbon lease application listed below at a rental of \$1.00 per acre per annum; royalty as provided in the lease form approved by the Board of State Lands and Forestry. The application has been checked by the Minerals Section and found to be in order. The land status has been examined and the lands found to be open and available.

<u>Mineral Lease Appl. No. 45844</u>	<u>T21S, R23E, SLB&amp;M.</u>	Grand County
Petro-X Corporation	Sec. 13: N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00 acres
1709 South West Temple		
Salt Lake City, UT 84115		

Application Date: February 24, 1993

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METALLIFEROUS MINERALS LEASE APPLICATIONS - APPROVED

Upon recommendation of Mr. Mansfield, the Acting Director, Kevin Carter, approved the Metalliferous Minerals lease applications listed below at a rental of \$1.00 per acre per annum; royalty as provided in the lease form approved by the Board of State Lands and Forestry. The applications have been checked by the Minerals Section and found to be in order. The land status has been examined and the lands found to be open and available. The reassessment date for these leases is April 1, 2003.

<u>Mineral Lease Appl. No. 45843</u>	<u>T6S, R21E, SLB&amp;M.</u>	Uintah County
Bill Ganswich	Sec. 28: Lots 1 & 2	103.24 acres
6130 Woodland Drive	Sec. 29: Lot 4	
Ogden, UT 84403		

Application Date: February 23, 1993

CREDIT: \$2.00

PAGE NO. 2  
MARCH 8, 1993

MINERAL LEASE APPLICATIONS (CONT'D)

METALLIFEROUS MINERALS LEASE APPLICATIONS - APPROVED (cont'd)

<u>Mineral Lease Appl. No. 45846</u>	<u>T4S, R24E, SLB&amp;M.</u>	Uintah County
Bill Ganswich	Sec. 32: Lots 1, 2, 3,	301.59 acres
6130 Woodland Drive	6, E $\frac{1}{2}$ NW $\frac{1}{4}$ ,	
Ogden, UT 84403	NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$	

Application Date: March 2, 1993

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TOTAL ASSIGNMENTS--OIL, GAS, AND HYDROCARBON LEASES

Upon recommendation of Mr. Bonner, the Acting Director approved the assignment of the leases listed below to Ben Donegan, 3224 Candelaria NE, Albuquerque, NM 87107, by Cluff Oil Inc., who reserves 1% overriding royalty. The State assumes no responsibility in collecting or distributing overriding royalty.

LEASE OWNERSHIP: CLUFF OIL INC.

....ML 44260....ML 44262....ML 44265....

INTEREST ASSIGNMENTS--OIL, GAS, AND HYDROCARBON LEASES

Upon recommendation of Mr. Bonner, the Acting Director approved the assignment of 37.5% interest in and to the lease listed below to Samedan Oil Corporation, 1660 Lincoln Street, Suite 3000, Denver, CO 80264, by Global Natural Resources Corporation of Nevada. No override.

LEASE OWNERSHIP: SANTA FE ENERGY COMPANY--50%,  
GLOBAL NATURAL RESOURCES CORPORATION OF  
NEVADA--37.5%, AND  
SAMEDAN OIL CORPORATION--12.5%

....ML 29892....

INTEREST ASSIGNMENTS--OIL, GAS, AND HYDROCARBON LEASES (CONT'D)

Upon recommendation of Mr. Bonner, the Acting Director approved the assignment of 37.5% interest in part of leased lands: S $\frac{1}{2}$  Sec. 16, T36S, R23E, SLB&M., 320.00 acres, in and to the lease listed below to Samedan Oil Corporation, 1660 Lincoln Street, Suite 3000, Denver, CO 80264, by Global Natural Resources Corporation of Nevada. No override.

LEASE OWNERSHIP: T36S, R23E, SLB&M. 320.00 Acres  
Sec. 16: S $\frac{1}{2}$   
SANTA FE ENERGY COMPANY--50%,  
GLOBAL NATURAL RESOURCES CORP OF NEVADA  
--37.5%,  
AND SAMEDAN OIL CORPORATION--12.5%  
T36S, R23E, SLB&M. 160.00 Acres  
Sec. 16: NE $\frac{1}{4}$   
SAMEDAN OIL CORPORATION--50%,  
AND SANTA FE ENERGY COMPANY--50%

....ML 29764....

Upon recommendation of Mr. Bonner, the Acting Director approved the assignment of 22.5% interest in part of leased lands: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$  Sec. 32, T36S, R23E, SLB&M., 600.00 acres in and to the lease listed below to Samedan Oil Corporation, 1660 Lincoln Street, Suite 3000, Denver, CO 80202, by Global Natural Resources Corporation of Nevada. No override, but subject to 8.0425% overriding royalty previously reserved. The State assumes no responsibility in collecting or distributing overriding royalty.

LEASE OWNERSHIP: T36S, R23E, SLB&M. 200.00 acres  
Sec. 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$   
DUNCAN EXPLORATION COMPANY--40%,  
AXEM ENERGY COMPANY--30%,  
GLOBAL NATURAL RESOURCES CORPORATION OF  
NEVADA--22.5%, AND  
SAMEDAN OIL CORPORATION--7.5%  
T36S, R23E, SLB&M. 400.00 acres  
Sec. 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$   
DUNCAN EXPLORATION COMPANY--55%,  
GLOBAL NATURAL RESOURCES CORPORATION OF  
NEVADA--22.5%,  
ENERGY PARTNERS NOMINEE COMPANY--15%, AND  
SAMEDAN OIL CORPORATION--7.5%

....ML 35741....

CORRECTION OF DIRECTOR'S MINUTES DATED MAY 3, 1973;  
SLA 139--OGH, APPROVAL OF COMMUNITIZATION AGREEMENT NO. 10

The Director on May 3, 1973, approved Communitization Agreement No. 10, All Section 10, T2S, R3W, USM, Duchesne County, Utah. The only State of Utah lease in this agreement is SLA 139. The communitization agreement was approved with the lease containing 3.32468 acres in the communitized area, or **3.32464/640** of the communitized area.

It has been brought to the attention of the Division that the minutes should be corrected to show the acres of the communitized area as **3.32468/640**.

Upon recommendation of Mr. Bonner, the Acting Director, Kevin Carter, noted the above-described correction. Said correction should be noted on the records of the Division.

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SURFACE ESTATE BUSINESS MATTERS

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GRAZING PERMITS

ASSIGNMENT OF GRAZING PERMIT NO. GP 21727

Arthur J. Anderson, 4190 Fortuna Way, Salt Lake City, Utah 84124, has requested permission to assign 100% of the above-referenced grazing permit to Steve Stamatakis and Pete Stamatakis, 2676 West Gordon Creek Road, Price, Utah 84501. The application was originally received with the appropriate \$20.00 assignment fee on April 14, 1992, at which time, the Division outlined several concerns that were to be evaluated before approval would be recommended. These are discussed in the grazing permit file, including the most recent certified letter dated February 16, 1993. This assignment is made subject to compliance to those requirements.

Upon the recommendation of Mr. Bagley, Mr. Kappe approved the above-described assignment.

EXPIRATION OF AMORITIZATION GP 20154-1

It has been determined that Robert Holt Farms, Inc., P.O. Box 268, Enterprise, Utah 84725, has met all the obligations associated with the above-referenced amoritization and Division records should note that it has expired.

Upon the recommendation of Ms. Knight, Mr. Kappe approved the expiration of amoritization GP 20154-1.



PAGE NO. 5  
MARCH 8, 1993

GRAZING PERMITS (CONT'D)

EXPIRATION OF AMORITIZATION GP 21773-1

It has been determined that John Loumis, P.O. Box 384, Santa Clara, Utah 84765, has met all the obligations associated with the above-referenced amortization and Division records should note that it has expired.

Upon the recommendation of Ms. Knight, Mr. Kappe approved the expiration of amortization GP 21773-1.

GRAZING PERMIT NO. 21505 - DELETION OF AUM'S

Taylor Livestock, % Joe Taylor, P.O. Box 775, Moab, UT 84532. The Division, after 1992 range assessment and reduction of fees, has determined that 500 AUM's should be deleted from GP 21505. These AUM's will be held in suspended non-use until staff deems it appropriate to reinstate them. The fee will now be \$9,613.50. San Juan County.

Upon recommendation of Ms. Kleinke, Mr. Kappe approved the deletion of AUM's and the reduction to the grazing fee for GP 21505.

CANCELLATION OF APPLICATION GP 22541-1

Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, UT 84116. The renewal application for GP 22541-1 should be cancelled. This was for the amortization of a range improvement project. Trust accounting indicates that this has been paid in full. Grand County.

Upon recommendation of Ms. Kleinke, Mr. Kappe approved the cancellation of GP 22541-1.

\* \* \* \* \*  
EASEMENTS

EASEMENT APPLICATION NO. 203 (WITHDRAWAL OF APPLICATION)

Moon Lake Electric Association, PO Box 278, Roosevelt, Utah 84066, requested in writing on February 23, 1993, that the above-referenced easement application be withdrawn. They indicated that they have decided to relocate to a preferred location on BLM (federal) lands. Along with their application, they submitted a \$50.00 application fee and a \$100.00 deposit for advertising. We informed them that the advertising has been completed and that the \$100.00 advertising deposit will not be refunded. They also have been informed that the application fee is non-refundable.

Upon the recommendation of Mr. Bagley, the Acting Director, Kevin Carter, approved the withdrawal of Easement Application No. 203 with the application fee and the advertising deposit being forfeited to the State.

PAGE NO. 6  
MARCH 8, 1993

EASEMENTS (CONT'D)

EASEMENT NO. 198

APPLICANT'S NAME AND ADDRESS

Pacificorp, dba Utah Power & Light  
1407 West North Temple, Suite 110  
Salt Lake City, Utah 84140

LEGAL DESCRIPTION

A right of way 10 feet in width, being 5 feet on each side of the following described survey line:

Township 1 South, Range 11 West, SLB&M  
Section 36: within

Beginning on the North boundary line of the Grantor's land at a point 1356 feet east along the section line from the northwest corner of Section 36, T1S, R11W, SLB&M, thence S 43°07' E 5747 feet, more or less, to the East boundary line of said land and being in the E2NW4, SW4NE4, NW4SE4, E2SE4, of said Section 36.

COUNTY: Tooele                      ACRES: 1.32 m/l                      FUND: School

PROPOSED ACTION:

The applicant is requesting a 10-foot wide easement to be used for the installation of an electrical powerline.

RELEVANT FACTUAL BACKGROUND:

The proposed easement is for a 10 foot wide powerline. The powerline will be installed by the applicant to provide power to U.S.P.C.I., Inc.

CRITERIA FOR EVALUATION:

R640-100-200(1)(a) requires that one or more of the following plans be implemented;

- (i) General management plans
- (ii) Comprehensive management plans
- (iii) Site-specific plans
- (iv) Resource plans

EASEMENTS (CONT'D)

EASEMENT NO. 198 (cont'd)

R640-100-300 gives the Division guidance as to what type of plan should be required. Paragraph 2 of this rule indicates that site-specific planning is initiated either by:

- (a) an application for a trust land use or a sovereign land use, or
- (b) the identification by the Division of an opportunity for commercial gain in a specific area.

A site-specific plan is defined in R640-1-2 as follows:

Plans prepared for state lands which provide direction for specific actions. Site-specific plans shall include, but not be limited to:

- 1. Records of Decision in either summary or narrative form.
- 2. Board action that designates specific parcels of land for specific use(s) or designations.

Easements are excluded from the narrative record of decision process if all of the following four conditions exist:

- 1. The proposed easement is not located entirely on State land or, if it is located entirely on State land, it is located in an existing corridor.
- 2. The proposed easement term is 30 years or less.
- 3. The applicant has paid the fee as determined by the Division.
- 4. The proposed easement will not have an unreasonably adverse affect on the developability or marketability of the subject property.

EASEMENTS (CONT'D)

EASEMENT NO. 198 (cont'd)

R640-100-400(1) requires the Division, when conducting site-specific planning, to consider:

- (a) a comparative evaluation of the commercial gain potential of the proposed use with competing or existing uses;
- (b) the effect of the proposed use on adjoining state lands;
- (c) an evaluation of the proposed use or action with regard to natural and cultural resources, if appropriate;
- (d) the notification of, and environmental analysis of, the proposed use provided by the public, federal, state, and municipal agencies through the Resource Development Coordinating (RDCC) process; and
- (e) any further notification and evaluations (i.e. cultural resource surveys, appraisals to determine fair market value, etc.) as required by applicable rules.

Easement charges are determined pursuant to R640-40-600:

The Board may annually establish minimum fees for easements based on the cost incurred by the division in administering the easement and the fair-market value of the particular use. The division shall determine the use fee based on comparable fees for similar uses on properties having similar physical, geographical or ownership characteristics, or the annually specified minimum for the particular use; however, no fee shall be established for easements which is less than 80 percent of the appraised value of the property involved, except in the case of roads where no fee shall be established which is less than 100 percent of the appraised value of the property involved.

EVALUATION OF FACTS:

R640-100-300 discusses four types of plans, one of which is a site-specific plan. The site-specific plan was initiated by an application for a trust land use.

EASEMENTS (CONT'D)

EASEMENT NO. 198 (cont'd)

A summary of the criteria considered in this site-specific plan is as follows:

- a. There is no other proposed use. The existing use is grazing. Grazing fees are approximately thirteen cents per acre. The proposed easement will return more than grazing.
- b. The proposed use will not have an adverse affect on the adjoining property.
- c. A cultural resource survey was provided by the applicant, reviewed and approved by the Division, and also reviewed by the Division of State History.
- d. RDCC was notified and provided the following comments: State History indicated that no cultural resource and no sites have been located.

The Utah Geological Survey recommends that a geologic - hazards evaluation be made prior to the construction of the project.

The applicant was notified by letter of the UGS comments.

- e. Public notice generated comment from the BLM. Their letter "encourages the Division of State Lands and Forestry to consider requiring Utah Power and Light to bury the transmission line in the roadbed across Section 36". State Lands and Forestry has considered this action and following a conversation with a representative of UP&L considers the cost of burying the line to be excessive.

The proposed easement is not located entirely on State land, it is for a term of thirty years, and the applicant has paid the Division-determined fee. As far as the staff has been able to determine, there will be no unreasonable adverse effect on the marketability or developability of the subject property. Therefore, this summary will constitute the record of decision.

The standard fee for a ten (10) foot wide electrical transmission line is \$12.00 per rod. Preliminary modeling indicates that the property would have to be worth more than \$2,533.00 per acre, in order to exceed the per rod rate. According to the Tooele County Assessor's records, the land value is estimated to be \$500.00 per acre. Therefore, the per rod rate will be used.

Upon recommendation from Mr. Tripp, the Acting Director, Kevin Carter, approved Easement 198 for an easement with the fee being \$4,179.60 (348.30 rods X \$12.00 per rod), plus a \$50.00 application fee, with an administrative fee being assessed every three years beginning January 1, 1996. The unused portion (\$54.10) of the amount collected for advertising is to be refunded to the applicant.

PAGE NO. 10  
MARCH 8, 1993

EASEMENTS (CONT'D)

EASEMENT NO. 207

APPLICANT'S NAME AND ADDRESS

PACIFICORP, DBA UTAH POWER AND LIGHT COMPANY  
c/o Mykel Severson, Right of Way Department  
1407 West North Temple, Suite 110  
Salt Lake City, Utah 84140

LEGAL DESCRIPTION:

Township 42 South, Range 14 West, SLB&M

Section 4: Beginning on the east boundary line of the Grantor's land at a point 1465.31 feet north, more or less, along the quarter section line from the south one quarter corner of Section 4, T42S, R14W, SLB&M, thence N 0°23'31" W 78.13 feet, more or less, thence S 77°45'30" W 1435.61 feet, more or less, to the northwesterly boundary line, said northwesterly boundary line also being the southeasterly right of way line of Old Utah State Highway No. 91, thence S 55°21' 04" W 136.42 feet, more or less, along the said southeasterly right of way of said Old Utah State Highway No. 91, thence N 77°45'30" E 1430 feet, more or less, thence N 89°36'29" E 119.15 feet, more or less, to the point of beginning and being in the N2SW4 of Section 4.

COUNTY: Washington

ACRES: 1.82

FUND: Miners Hospital

PROPOSED ACTION:

The applicant is requesting a 52' wide easement for a road right of way. The easement will cross a total of 1,435.61 feet of trust land.

EASEMENTS (CONT'D)

EASEMENT NO. 207 (cont'd)

RELEVANT FACTUAL BACKGROUND:

The proposed easement is for a road right of way that will service a power substation. The power substation will service the proposed development in SULA 701. This initial alignment is a temporary alignment, with the applicant agreeing to participate in the final cost of construction of the final alignment. The road will be 52' in width and approximately 1,435.61 feet in length. The description is a metes and bounds description and not a centerline description.

CRITERIA FOR EVALUATION:

Amended Special Use Lease Agreement No. 701 allows for the granting of easements that will be a part of the development of the leased premises. Paragraph 4 (E) of Article II of the lease agreement indicates that the Division may grant easements over this leased premises as may be necessary and appropriate for the management of the leased premises. This paragraph reads as follows:

4 (E). Subject to Article II, Paragraph 17, LESSOR hereby excepts and reserves from the operation of this lease the right to establish rights of way and easements on, through, or over any portion of the leased premises which is not included in an approved Development Plat at time of exercise of such right, for joint or joint and several uses, as may be necessary and appropriate for the management of the above-described lands and other lands of LESSOR or lands administered by LESSOR. All necessary easements, dedications and grants of authority for public roads and other necessary public improvements and infrastructure upon the leased premises for the development as proposed in an approved Development Plat(s) shall be granted by LESSOR to any State or local governmental entity upon payment of appropriate remuneration which shall not exceed Fair Market Value.

Paragraph 4 (E) allows for the granting of easements in the leased premises that will accommodate development of the leased premises. Lessee is to minimize the adverse affect of the easement on the development. The lessee had reviewed the proposal and had entered into an agreement with the applicant to make this a temporary easement and allowing for the relocation of the easement on a permanent basis with the applicant paying up to \$40,000 of the relocation costs. A copy of that agreement is in the file as is a copy of a letter from the Lessee indicating that this easement is a part of the development of the property.



EASEMENTS (CONT'D)

EASEMENT NO. 207 (cont'd)

The standard fee for a new roadway 52' in width is \$15.00 per rod. Preliminary modeling indicates that the property would have to be worth more than \$950.00 per acre in order to exceed the per rod rate. A review of land values based on recent sales, appraisals, and conversations with appraisers indicates that the value of land involved in this easement is \$3,000 per acre. Therefore, fair market value will be used to determine the easements fee. The fee will be calculated as follows:

1.82 acres x \$3,000.00/acre = \$5,460.00. The applicant has paid this amount.

The applicant is not a subdivision of the State, therefore the easement will be for the standard 30 year term, with the applicant having the right to assign the easement to Hurricane City or Washington County in the future. The Division would then consider amending the term to a perpetual easement.

This easement is specifically allowed by the existing lease agreement, therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Fullmer, the Acting Director, Kevin Carter, approved the above-described application for an easement with the total fee being \$5,460.00, plus a \$50.00 application fee, with an administrative fee being assessed every three years beginning January 1, 1996.

EASEMENT NO. 208

APPLICANT'S NAME AND ADDRESS

PACIFICORP, DBA UTAH POWER AND LIGHT COMPANY  
c/o Mykel Severson, Right of Way Department  
1407 West North Temple, Suite 110  
Salt Lake City, Utah 84140

LEGAL DESCRIPTION:

Township 42 South, Range 14 West, SLB&M

Section 4: Beginning on the north boundary line of the Grantor's land at a point 5 feet west, more or less, along the section line from the northeast corner of Section 4, T42S, R14W, SLB&M, thence S 0°31' E 1099.1 feet, thence S 37°27'W 306 feet, more or less, to the south boundary line of said land being in Lot 1 of said Section 4.

PAGE NO. 13  
MARCH 8, 1993

EASEMENTS (CONT'D)

EASEMENT NO. 208 (cont'd)

COUNTY: Washington                      ACRES: 0.32                      FUND: Miners Hospital

PROPOSED ACTION:

The applicant is requesting a 10' wide easement for an underground power distribution line easement. The easement will cross a total of 1,405.10 feet of trust land.

RELEVANT FACTUAL BACKGROUND:

The proposed easement is for a power line which will be buried underground. The power line will service the proposed development in SULA 701. The power line will be 10' in width and 1,405.10 feet in length.

CRITERIA FOR EVALUATION:

Amended Special Use Lease Agreement No. 701 allows for the granting of easements that will be a part of the development of the leased premises. Paragraph 4 (E) of Article II of the lease agreement indicates that the Division may grant easements over this leased premises as may be necessary and appropriate for the management of the leased premises. This paragraph reads as follows:

4 (E). Subject to Article II, Paragraph 17, LESSOR hereby excepts and reserves from the operation of this lease the right to establish rights of way and easements on, through, or over any portion of the leased premises which is not included in an approved Development Plat at time of exercise of such right, for joint or joint and several uses, as may be necessary and appropriate for the management of the above-described lands and other lands of LESSOR or lands administered by LESSOR. All necessary easements, dedications and grants of authority for public roads and other necessary public improvements and infrastructure upon the leased premises for the development as proposed in an approved Development Plat(s) shall be granted by LESSOR to any State or local governmental entity upon payment of appropriate remuneration which shall not exceed Fair Market Value.

PAGE NO. 14  
MARCH 8, 1993

EASEMENTS (CONT'D)

EASEMENT NO. 208 (cont'd)

EVALUATION OF FACTS:

Paragraph 4 (E) allows for the granting of easements in the leased premises that will accommodate development of the leased premises. Lessee is to minimize the adverse affect of the easement on the development. The lessee had reviewed the proposal and has indicated this easement is a part of the development of the property.

The standard fee for a power line easement 10' in width is \$12.00 per rod. Preliminary modeling indicates that the property would have to be worth more than \$3,960.00 per acre in order to exceed the per rod rate. A review of land values based on recent sales, appraisals, and conversations with appraisers indicates that the value of land involved in this easement is \$3,000 per acre. Therefore, the per rod rate will be used to determine the easements fee. The fee will is calculated as follows:

1,405.10 ft / 16.5 ft = 85.16 rods  
85.16 rods x \$12.00/rod = \$1,021.89.

The applicant has paid this amount.

The applicant is not a subdivision of the State, therefor the standard easement term of 30 years will be used.

This easement is specifically allowed by the existing lease agreement, therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Fullmer, the Acting Director, Kevin Carter, approved the above-described application for an easement with the total fee being \$1,021.89, plus a \$50.00 application fee, with an administrative fee being assessed every three years beginning January 1, 1996.

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RIGHTS OF ENTRY

RIGHT OF ENTRY NO. 3649

On February 12, 1993, Mr. Jan Parmenter, S.E. Area Land Specialist, pursuant to R640-41-200, and in accordance with direction and delegation of authority, approved the request of Anivision America, Inc., 6777 Hollywood Blvd, Suite 216, Hollywood, CA 90028, to occupy the following-described state land location within Grand County, for the purpose of commercial moving photography:

T26S, R21E SLB&M  
Sec. 16: Within

The fee for this right of entry is the minimum fee of \$150.00, plus a \$50.00 application fee, totaling \$200.00; school fund.

In accordance with direction and delegation from Mr. Storey, Mr. Parmenter approved Right of Entry No. 3645 with an expiration date of February 18, 1993.

RIGHT OF ENTRY NO. 3651

On March 5, Mr. Doug Fullmer, S.W. Area Land Specialist, pursuant to R640-41-200, and in accordance with direction and delegation of authority, approved the request of St. George Lyons Club, 474 East 600 South, St. George, UT 84770, to occupy the following described State land for the purpose of Dixie Downs Race Track and associated activities:

T42S, R16W SLB&M Washington Co.  
Section 10: E2SE4SE4SE4

T42S, R16W SLB&M Washington Co.  
Section 11: SW4SW4

T42S, R16W SLB&M Washington Co.  
Section 14: NW4NW4 (except 3 acre parcel  
located in SW corner)

The fee for this right of entry is 3% of gross receipts for the annual Dixie Downs Race Meet and associated activities conducted on state trust lands. The \$150.00 minimum has been paid and should be applied to the 3% of gross receipts, plus a \$50.00 application fee was also paid, which equals \$200.00; school fund.

In accordance with direction and delegation of authority from Mr. Storey, Mr. Fullmer approved Right of Entry No. 3651 with an expiration date of March 4, 1994.

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PAGE NO. 16  
MARCH 8, 1993

SPECIAL USE LEASES

SPECIAL USE LEASE AGREEMENT NO 966

APPLICANT'S NAME & ADDRESS:

Triad Cellular, L.P.  
2420 Sand Hill Road, Suite 101  
Menlo Park, Ca. 94025

LEGAL DESCRIPTION:

TOWNSHIP 36 SOUTH, RANGE 11 WEST, SLB&M

Section 15: Beginning at a point 5.11 feet North, 337.7 feet West and again 341.47 feet South from the Northeast corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 15; thence N 89°08'00" W 150 feet, S 0°40'45" W 150 feet, S 89°08'00" E 150 feet, N 0°40'45" E 150 feet to point of beginning. (Latitude 37°40'17", Longitude 113°05'10")

COUNTY: Iron            ACRES:0.52            FUND:School

PROPOSED ACTION:

The applicant is requesting a lease for a telecommunication site for a cellular radio telephone system authorized by the FCC to serve the Southwest Utah area.

RELEVANT FACTUAL BACKGROUND:

The proposed lease is on a site that has been designated and approved by the Board of State Lands and Forestry as a telecommunication site location.

This site currently has telecommunication facilities on it operated by various entities. Initial consultation with the Division Archeologist relative to this site resulted in the determination that a cultural resource survey would not be required. Certified letters were sent to the existing users. No comments were received from the existing users on the site.

SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE AGREEMENT NO 966 (cont'd)

CRITERIA FOR EVALUATION:

Consultation with the State Historic Preservation Officer (SHPO) is required prior to approval of trust land use and all other land uses. Based on these consultations, the Division must decide whether or not to conduct or have conducted a cultural resources survey, whether or not any sites discovered by such a survey are eligible for inclusion on the National or State Register of Historic Places, whether or not the proposed use will have an adverse effect on such sites, and whether or not a mitigation plan must be prepared. This process is described in R640-60 as follows:

R640-60-4 Identification and Evaluation of Historic Properties  
(1/30/92)

1. The Division shall consult the State Historic Preservation Officer (SHPO) regarding available information on cultural resources prior to approval of trust land uses and all other land uses. Based on comments from the SHPO, the division shall decide whether or not collection of more information is necessary to identify and evaluate cultural resources. In making this decision the division shall consider the likelihood of existence of cultural resources and the degree to which cultural resources, if present, may be adversely affected by the state action.

R640-100-200(1)(a) requires that one or more of the following plans be implemented:

- (a) General Management Plans
- (b) Comprehensive Management Plans
- (c) Site-specific Plans
- (d) Resource Plans

R640-100-300 gives the Division guidance as to what type of plan should be required. Paragraph 2 of this rule indicates that site-specific planning is initiated either by:

- (a) an application for a trust land use or a sovereign land use, or
- (b) the identification by the Division of an opportunity for commercial gain in a specific area.

SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE AGREEMENT NO 966 (cont'd)

A site-specific plan is defined in R640-1-2 as follows:

Plans prepared for state lands which provide direction for specific actions. Site-specific plans shall include, but not be limited to:

1. Records of Decision in either summary or narrative form.
2. Board action that designated specific parcels of land for specific use(s) or designation.

Telecommunication site leases are exempt from the narrative record of decision process if the following conditions are met:

1. They are within an approved telecommunication site location.
2. No negative comments are received from current users at the location.

R640-100-400(1) Requires an evaluation of the following when conducting a site-specific plan.

1. When the Division conducts site-specific planning it shall consider:
  - (a) a comparative evaluation of the commercial gain potential of the proposed use with competing or existing uses;
  - (b) the effect of the proposed use on adjoining state lands;
  - (c) an evaluation of the proposed use or action with regard to natural and cultural resources, if appropriate;
  - (d) the notification of, and environmental analysis of, the proposed use provided by the public, federal, state, and municipal agencies through the

Resource Development Coordinating Committee (RDCC) process; and

- (e) any further notification and evaluation (i.e. cultural resource surveys, appraisals to determine fair market value, etc.) as required by applicable rules.



SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE AGREEMENT NO 966 (cont'd)

R640-30-200(3) - establishes standard terms for leases:

3. The Division shall issue leases for the term most consistent with land management objectives found in R640-2. Such term of a lease will not normally be for a period longer than specified below for a particular lease type.
  - (a) Military 10 years
  - (b) Agricultural 20 years
  - (c) Recreational 20 years
  - (d) Telecommunications 20 years
  - (e) Commercial 51 years
  - (f) Industrial 51 years
  - (g) Residential 51 years
  - (h) Governmental (Other than Military) 51 years

R640-30-400 - Requires the Division to establish lease rates based on Fair Market Value.

1. The Division shall receive at least fair market value for surface leases. Fair market value of the subject property shall be determined by the Division based upon a market analysis including, but not limited to:
  - (a) income-producing ability of the highest and best use of the property; and
  - (b) a market study of comparable values of similar properties.

SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE AGREEMENT NO 966 (cont'd)

EVALUATION OF FACTS:

R640-60-4 requires initial consultation with State History to determine the possible impacts on cultural resources of any proposed trust land use. This initial consultation was completed pursuant to rule. It was determined that a cultural resource survey would not be required. This determination was based on the indication the potential for sites was minimal, and because of the fact that the site is already developed for telecommunication sites.

R640-100-200 discusses four types of plans, one of which is a site-specific plan. The site-specific plan in this case was initiated by an application for a trust land use, as indicated in R640-100-300. This rule also indicates that these site-specific plans can either be summary or narrative form. As indicated above, this type of lease is exempt from the narrative Record of Decision process if the site is within an approved location, which this site is. It was approved by the Board of State Lands as a telecommunication site location on September 12, 1986. Presently, there are 4 other users on the site, none of which commented on the proposal.

An evaluation pursuant to R640-100-400(1) indicates the following:

- (a) The commercial gain potential of telecommunication sites on the adjoining sites as been very favorable. This site will only add to the existing return. There are no other competing uses for this land to evaluate.
- (b) This use will have a positive effect on the adjoining land. The development of this site will further enhance the properties value as a telecommunication site location. The impacts to the remaining land in this section should be minimal because the site has already be developed by others for similar uses.
- (c) As indicated earlier, it has been determined that a cultural resource inventory will not be required. This proposal will not disturb any ground that has not already been disturbed for the existing sites.
- (d) Staff is not aware of any environmental conflicts with this site. This site was acquired from the BLM as an existing telecommunications site.
- (e) No further notification or evaluation is required by rule for Telecommunication site leases.

PAGE NO. 21  
MARCH 8, 1993

SPECIAL USE LEASES (CONT'D)

SPECIAL USE LEASE AGREEMENT NO 966 (cont'd)

Pursuant to R640-30-200(3)(d), this lease will have a term of twenty (20) years with a five (5) year review.

A market analysis completed pursuant to R640-30-400(1)(b) indicates that a fee of \$1500.00 per year is in line with current Division fees for this type of lease. The applicant has offered to pay this amount per year in rental for the first five years.

Upon recommendation of Mr. Fullmer, the Acting Director, Kevin Carter, approved SULA 966, with a yearly fee of \$1500, plus a \$50.00 application fee. The lease term is 20 years with a five-year review clause. Based on the above evaluation, this summary will constitute the Record of Decision.

SPECIAL USE LEASE NO. 961

Division of Wildlife Resources  
152 East 100 North  
Vernal, UT 84078

LESSEE NO.: 850

ROD NO.: 93-0111-SULA961  
APPROVAL DATE: 02/05/93

LEASE TYPE: GOV  
DATE OF APPLICATION: 07/29/92  
BEGINNING DATE: 03/01/93  
EXPIRATION DATE: 02/28/98  
DUE DATE: 03/01  
REASSESSMENT DATE: 03/01/94  
ACRES: 2.5

FUND: School  
COUNTY: Grand  
TERM OF LEASE: 5 years  
RENTAL: \$400.00  
APPLICATION FEE: \$100.00  
ADVERTISING FEE: \$56.70  
\*\*TOTAL AMOUNT COLLECTED: \$325.00\*\*

LEGAL DESCRIPTION:

Township 17 South, Range 21 East SLB&M  
Section 13: SW4NW4SE4NE4

COMMENTS: To be used as an administrative cabin site. \*\* Note that the sum of \$250.00 should be transferred from withdrawn SULA 938 to SULA 961 to bring the annual rental to the \$400.00 minimum fee.

REFUNDS: \$18.30 (over-payment of advertising deposit).

SULA 961 was approved by Director Mitchell on February 5, 1993, and is submitted on these minutes by Mr. Parmenter for record-keeping purposes.

\* \* \* \* \*

PAGE NO. 22  
MARCH 8, 1993

LETTER OF INTEREST

LETTER OF INTEREST NO. 13

On March 1, 1993, Douglas R. Bowen, 5700 N. 1070 W Winchester Dr., #62, St. George, UT 84770, filed a Letter of Interest on the following-described lands:

Township 41 South, Range 16 West, SLB&M  
Sec. 24: W2NW4

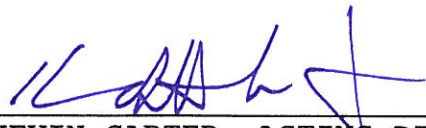
This Letter of Interest shall remain in full force and effect for a two-year period with an expiration date of February 28, 1995. A payment in the amount of \$100.00 has been deposited which constitutes full payment pursuant to R640-30-1200(4). These funds should be distributed as follows:

Miner's Hospital - \$100.00

Upon recommendation of Mr. Fullmer, the Acting Director, Kevin Carter, noted acceptance of the above-described letter of interest. Division records should be noted that a Letter of Interest has been received and accepted, with an expiration date of February 28, 1995.

\* \* \* \* \*

<u>INTEREST RATE</u>	<u>CURRENT YEAR</u>	<u>YEAR AGO</u>
Base Rate	6.00	6.50

  
\_\_\_\_\_  
KEVIN CARTER, ACTING DIRECTOR  
DIVISION OF STATE LANDS & FORESTRY

  
\_\_\_\_\_  
CANDEE H. PENMAN, SECRETARY

ARCHIVES APPROVAL NO. 7900209

3/8/93

cp

PAGE NO. 22